

AMENDED IN ASSEMBLY APRIL 9, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 572**

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**Introduced by Assembly Member Berg**

February 21, 2007

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An act to amend Section ~~1572~~ of the Health and Safety Code, relating to adult day health care.

LEGISLATIVE COUNSEL'S DIGEST

AB 572, as amended, Berg. Adult day health ~~care; licensure; care~~ services.

*The California Adult Day Health Care Act provides for the licensure and regulation of adult day health centers, with administrative responsibility for this program shared between the State Department of Health Care Services and the California Department of Aging pursuant to an interagency agreement. The Adult Day Health Medi-Cal Law establishes adult day health care services as a Medi-Cal benefit for Medi-Cal beneficiaries who meet certain criteria. Under existing law, participation in an adult day health care program requires prior authorization by the State Department of Health Care Services. Existing law requires the department to report annually to the relevant policy and fiscal committees of the Legislature, as part of the budget submitted by the Governor to the Legislature each January, on the implementation of proscribed changes to eligibility criteria for the adult day health care program and other related changes, including the impact of those changes on the number of centers and participants, and to issue guidance bulletins concerning that implementation.*

*This bill would require the department, in coordination with the California Department of Aging and interested organizations, to adopt*

*new certification and licensing regulations for adult day health care in order to accommodate the changes by January 30, 2009.*

~~Existing law provides for the licensure of adult day health care centers by the State Department of Health Services, and for the regulation of adult day health care programs by the State Department of Health Services and the California Department of Aging, as specified. Existing law requires the Director of the California Department of Aging to make recommendations regarding licensure to the Licensing and Certification Division in the State Department of Health Services based on certain criteria. Effective July 1, 2007, the duties of the State Department of Health Services pertaining to adult day health care centers will be transferred to the State Department of Public Health.~~

~~This bill would make a technical, nonsubstantive change to these provisions:~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     *SECTION 1. Section 14521.1 of the Welfare and Institutions*
- 2     *Code is amended to read:*
- 3     14521.1. (a) Effective January 1, 2007, the department shall
- 4     report annually to the relevant policy and fiscal committees of the
- 5     Legislature, as part of the budget submitted by the Governor to
- 6     the Legislature each January, on the implementation of changes
- 7     made to the adult day health care program by the act adding this
- 8     section, including the impact of those changes on the number of
- 9     centers and participants.
- 10    (b) Where a conflict exists between existing regulations and
- 11    adult day health care laws in effect on and after January 1, 2007,
- 12    the department shall, until new regulations are adopted, issue
- 13    guidance to adult day health care providers through provider
- 14    bulletins to clarify the adult day health care laws and regulations
- 15    that are in effect.
- 16    (c) *The department, in coordination with the California*
- 17    *Department of Aging and interested organizations representing*
- 18    *adult day health care organizations, shall adopt new certification*
- 19    *and licensing regulations for adult day health care in order to*
- 20    *accommodate the guidelines of this section by January 30, 2009.*

1     ~~SECTION 1. Section 1572 of the Health and Safety Code is~~  
2     ~~amended to read:~~

3     ~~1572. (a) The functions and duties of the State Department of~~  
4     ~~Health Services provided for under this chapter shall be performed~~  
5     ~~by the California Department of Aging commencing on the date~~  
6     ~~those functions are transferred from the State Department of Health~~  
7     ~~Services to the California Department of Aging. The authority,~~  
8     ~~functions, and responsibility for the administration of the adult~~  
9     ~~day health care program by the California Department of Aging~~  
10    ~~and the State Department of Health Services shall be defined in~~  
11    ~~an interagency agreement between the two departments that~~  
12    ~~specifies how the departments will work together.~~

13    ~~(b) The interagency agreement shall specify that the California~~  
14    ~~Department of Aging is designated by the department as the agency~~  
15    ~~responsible for community long-term care programs. At a~~  
16    ~~minimum, the interagency agreement shall clarify each~~  
17    ~~department's responsibilities on issues involving licensure and~~  
18    ~~certification of adult day health care providers, payment of adult~~  
19    ~~day health care claims, prior authorization of services,~~  
20    ~~promulgation of regulations, and development of adult day health~~  
21    ~~care Medi-Cal rates. In addition, this agreement shall specify that~~  
22    ~~the California Department of Aging is responsible for making~~  
23    ~~recommendations to the department regarding licensure as specified~~  
24    ~~in subdivision (e). The interagency agreement shall specify that~~  
25    ~~the department shall delegate to the California Department of~~  
26    ~~Aging the responsibility of performing the financial reviews and~~  
27    ~~the resolution of audit appeals that are necessary to ensure program~~  
28    ~~integrity. The agreement shall specify that the financial reviews~~  
29    ~~shall be performed only to the extent that resources are budgeted~~  
30    ~~for this purpose. This agreement shall also include provisions~~  
31    ~~whereby the department and the California Department of Aging~~  
32    ~~shall collaborate in the development and implementation of health~~  
33    ~~programs and services for older persons and functionally impaired~~  
34    ~~adults.~~

35    ~~(c) The Director of the California Department of Aging shall~~  
36    ~~make recommendations regarding licensure to the Licensing and~~  
37    ~~Certification Division in the State Department of Health Services.~~  
38    ~~Each recommendation shall be based on all of the following~~  
39    ~~criteria:~~

- 1     ~~(1) An evaluation of the ability of the applicant to provide adult~~
- 2     ~~day health care in accordance with the requirements of this chapter~~
- 3     ~~and regulations adopted hereunder.~~
- 4     ~~(2) Other criteria that the director deems necessary to protect~~
- 5     ~~public health and safety.~~

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